



August 7, 2019

**Letter of Waiver**

Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554  
RE: *E-Rate Program CC Docket No 02-6*

Dear Commission Staff:

We are writing to request a waiver of the deadline for FCC Form 471 161048517 for Funding Year 2016. The district received a letter from USAC dated June 11, 2019, indicating they may be eligible for waiver relief for this application<sup>1</sup>. In this waiver, we demonstrate how this situation is similar to the one referenced in the SLD waiver letter<sup>2</sup> for Pribilof School District Order<sup>3</sup> and that it is in the public interest to grant Westphalia ISD funding for this application.

**Appellant Contact**

Contact Name: Ginnie Harwood  
Address: 2101 W Loop 340, Waco, TX 76712  
Telephone Number: 254.297-2914  
Fax Number: 855-372-8312  
E-Mail Address: gharwood@esc12.net  
Applicant Name: Westphalia Independent School District  
Billed Entity Number: 141114

<b>Form 471</b>	161048517	161048517	161048517
<b>FRN</b>	1699110554	1699110575	1699110586
<b>SPIN</b>	143020015	143030766	143005695
<b>Amount of invoice</b>	\$14,076.00	\$612.00	\$86.40

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<sup>1</sup> Exhibit A – *SLD Waiver letter*

<sup>2</sup> See *Id.*

<sup>3</sup> Exhibit B – *Pribilof Order\_FCC 18-118*

## Explanation of Appeal

Westphalia Independent School District filed an FCC Form 471 161048517 at 12:24 AM CST, on May 27, 2016<sup>4</sup>. The FY 2016 Form 471 filing window closed on May 26, 2016, 10:59 PM CST, after a four-week extension<sup>5</sup> due to system challenges in submitting applications. Westphalia's application was prepared before the filing window closed; however, it was submitted and certified a little late.

The Technology Director for Westphalia ISD prepared the Form 471 application for submission and certification. The Superintendent for Westphalia ISD is Mr. Robert Hudson who certified the application late due to technical issues he was having at his home when trying to navigate the E-Rate Productivity Center (EPC) system. To further complicate issues in submitting this application, Mr. Hudson's residential internet access went down. The service provider, AT&T, was experiencing a brief outage in his residential area at the time. Once the internet connection resumed, Mr. Hudson was able to log back into EPC, navigate the extremely slow EPC system, submit, and certify the application; which happened to be a little over an hour late.

Westphalia Independent School District is a very small, rural Texas school district located in Falls County (Congressional District 17) in Education Service Center Region 12. They have approximately 156 full-time students and serve K-12. They have a 60% E-Rate discount that is heavily relied on to meet budgetary needs.

## Background:

In the *Pribilof School District Order*<sup>6</sup>, FCC 18-118 released on August 8, 2018, of Pribilof School District, St. Paul Island, Alaska, et al, File Nos. SLD-161061517, et al, CC Docket No. 02-6, the Commission granted Pribilof relief due to errors associated with the new filing system rolled out by USAC (EPC). The Commission found that it was in the public interest to waive its appeal deadline rules allowing Pribilof to submit a waiver request more than sixty days after USAC's funding denial. The Commission also granted an opportunity for other applicant's to be given waiver relief with similar situations. Westphalia ISD falls into this category.

Although Westphalia ISD submitted their application late, they were not afforded the opportunity to appeal the late filed Form 471 application because they were not notified of the denial until August 8, 2016. Upon notification of the denial, Mr. Hudson filed an appeal with the FCC requesting a waiver of the Form 471 deadline<sup>7</sup> on August 16, 2016. This appeal was denied due to being filed outside of the sixty-day appeal deadline<sup>8</sup>.

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<sup>4</sup> Exhibit C – 471 App 161048517

<sup>5</sup> Exhibit D – 2016 USAC News Brief – window extension

<sup>6</sup> See Exhibit B

<sup>7</sup> Exhibit E – Appeal Letter by Hudson

<sup>8</sup> Exhibit F – FCC Public Notice DA 16-1232

Similar to Pribilof<sup>9</sup>, Westphalia ISD did not receive the news feed in EPC that alerted them of a denial of the Form 471 due to “platform failures of the Universal Service Administrative Company’s (USAC) E-Rate Productivity Center (EPC)”<sup>10</sup>. Therefore, in accordance with the Pribilof Order, it is in the public interest to grant a waiver allowing USAC to process the late-filed Form 471 for Funding Year 2016. This would allow Westphalia ISD funding for three critical E-Rate eligible services, which would be of great benefit since they were paid 100% out of pocket in 2016.

Sincerely,

Ginnie Harwood

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Education Service Center Region 12  
254.297.2911  
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<sup>9</sup> *See Id.*

<sup>10</sup> *See Exhibit A*